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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re B.A., a Person Coming Under the
Juvenile Court Law.

B223581
(Los Angeles County
Super. Ct. No. FJ46445)

THE PEOPLE,

Plaintiff and Respondent,

v.

B.A.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Cynthia Loo, Juvenile Court Referee. Affirmed.

California Appellate Project and Dee A. Hayashi, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

B.A. appeals from the order of wardship (Welf. & Inst. Code, § 602) entered by reason of her having committed the felony of assault by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)). The juvenile court ordered B.A. placed at home on probation. We affirm the juvenile court's order.

FACTUAL AND PROCEDURAL BACKGROUND

1. Facts.

On the afternoon of November 3, 2009, Claudia A. was walking home from school when B.A., who attended the same high school, walked up behind Claudia A. and stepped on her heel. Claudia A. turned around to see who had stepped on her and B.A. taunted her, then “grabbed her hair” and attempted “to pull her to the ground.” In response, Claudia A. pulled B.A.'s hair. A struggle ensued and the two girls began to fight. They were, however, pulled apart by several other students. As Claudia A. walked away, B.A. received a call on her cell phone from her twin sister, Melanie A. When B.A. told Melanie A. about her encounter with Claudia A., Melanie A. and a friend, Sandra A., decided to pursue Claudia A.

Claudia A. had begun to walk toward her home when “a guy” approached her and told her that “they [were] coming along behind.” Claudia A. then realized that B.A., Melanie A. and Sandra A. were following her. Claudia A. “turned to look” and one of the three girls hit her in the face on her left cheek, knocking her down. Claudia A. got up, then put her hands over her face and “crouched down” as the three girls started to beat her. Two boys attempted to “cover[]” Claudia A., but the three girls managed to hit her with their fists and kick her on her head, back, feet and arms. The three girls also pulled Claudia A.'s hair.

The police were called and, when they arrived, B.A., Melanie A., Sandra A. and a number of young people who had gathered to watch the altercation, ran off. Because her head was bleeding, Claudia A. was taken to the hospital where she spent six or seven hours. It was determined that one of her attackers had pulled out a fistful of Claudia A.'s hair. Claudia A. still suffers from pain in one ear and on one side of her head as a result of the attack.

2. Procedural history.

On November 6, 2009, a petition pursuant to Welfare and Institutions Code section 602 was filed alleging that 16-year-old B.A. committed the crime of “assault by means likely to produce great bodily injury, in violation of Penal Code [section] 245[, subdivision] (a)(1), a Felony, . . . on Claudia [A.]”

Following an evaluation by the probation department and a hearing held on the matter, on March 10, 2010, the juvenile court indicated that it found the victim had been a credible witness. The juvenile court also found B.A. to have been a credible witness, however the court was greatly concerned with what it characterized as the “second fight.” The juvenile court stated: “I think the first fight sounded like . . . a mutual combat situation. But the second[,] in which Sandra and Melanie were attacking the victim, and [B.A.] had indicated to the officer that she had been involved in that is enough for the court to sustain the petition.” Accordingly, as to the petition filed November 6, 2009, the juvenile court found true the allegation B.A. committed the alleged assault.

At the same proceedings, the juvenile court heard comments from the victim, Claudia A., and Claudia A.’s mother, both of whom indicated they believed B.A. and her codefendants should be incarcerated. The prosecutor then argued that B.A. had a history of “fighting with” and “intimidating other kids.” Under the circumstances, the prosecutor indicated that he believed the case warranted “a midterm camp disposition.” B.A.’s counsel then argued that B.A. had begun counseling, had been “exceptionally receptive,” and should be placed at home on probation so that she could continue receiving counseling.

The juvenile court indicated that B.A. has spent some time incarcerated and had successfully completed four months on house arrest. The court addressed the victim and stated: “I wanted you to know Claudia that I listened to the testimony, and I found you to be a credible witness, and I sustained the charges as true against [B.A.] There was also a request for the court to reduce it to a misdemeanor and I didn’t do that. I left it as a felony because I saw that what happened was felony conduct. And I want you to know that [B.A. has] been incarcerated for a period of time, and . . . remained on house arrest

for the last 4 months.” The juvenile court then indicated that, in part because, “for the last 4 months the court [had not] heard of any violations” and in part because B.A. had been involved in a counseling program and was willing to participate in a more intensive one, the juvenile court, after declaring her a ward of the court, intended to “place[] B.A. at home” on probation. One condition of probation was that B.A. have no contact with the victim in this matter, Claudia A.

B.A. filed a timely notice of appeal on April 5, 2010.

This court appointed counsel to represent B.A. on appeal on June 18, 2010.

CONTENTIONS

After examination of the record, counsel filed an opening brief which raised no issues and requested this court to conduct an independent review of the record. By notice filed August 19, 2010, this court advised B.A. to submit within 30 days any contentions, grounds of appeal or arguments she wished this court to consider. No response has been received to date.

REVIEW ON APPEAL

We have examined the entire record and are satisfied B.A.’s counsel has complied fully with counsel’s responsibilities. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-284; *People v. Wende* (1979) 25 Cal.3d 436, 443.)

DISPOSITION

The order of wardship is affirmed.

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KLEIN, P. J.

We concur:

CROSKEY, J.

ALDRICH, J.